

HOUSE BILL No. 2350

By Representative Benlon

2-6

AN ACT concerning elections; relating to certain recounts of ballots; amending K.S.A. 25-3107 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 25-3107 is hereby amended to read as follows: 25-3107. (a) At the time of commencement of any canvass by the county board of canvassers the county election officer shall present to the county board of canvassers the preliminary abstracts of election returns, together with the ballots and records returned by the election boards. The county board of canvassers shall inspect and check the records presented by the county election officer and shall hear any questions which the county election officer believes appropriate for determination of the board. The county board of canvassers shall do what is necessary to obtain an accurate and just canvass of the election and shall finalize the preliminary abstract of election returns by making any needed changes, and certifying its authenticity and accuracy. The certification of the county board of canvassers shall be attested by the county election officer. Neither the county board of canvassers nor the county election officer shall open or unseal sacks or envelopes of ballots, except as is required by K.S.A. 25-409, 25-1136 and 25-1337, and amendments thereto, or other specific provision of law or as is authorized to carry out a recount under subsection (b).

(b) If a majority of the members of the county board of canvassers shall determine that there are manifest errors appearing on the face of the poll books of any election board, which might make a difference in the result of any election, or if any candidate shall request the recount of the ballots cast in all or in only specified voting areas for the office for which such person is a candidate, or if any registered elector who cast a ballot in a question submitted election requests a recount in all or only specified voting areas to determine the result of the election, the county board of canvassers shall cause a special election board appointed by the county election officer to meet under the supervision of the county election officer and recount the ballots with respect to any office or question submitted specified by the county board of canvassers or requested by such candidate or elector. If a recount is required in a county that uses optical scanning systems as defined in K.S.A. 25-4601 et seq., and amend-

1 ments thereto, or electronic or electromechanical voting systems, as de-
2 fined in K.S.A. 25-4401, and amendments thereto, the method of con-
3 ducting the recount shall be at the discretion of the person requesting
4 such recount. The county election officer shall not be a member of such
5 special election board. Before the special election board meets to recount
6 the ballots upon a properly filed request, the party who makes the request
7 shall file with the county election officer a bond, with security to be ap-
8 proved by the county or district attorney, conditioned to pay all costs
9 incurred by the county in making such recount. ~~In the event that~~ *If* the
10 candidate requesting the recount is declared the winner of the election
11 as a result of the recount, or if as a result of the recount a question
12 submitted is overturned, no action shall be taken on the person's bond
13 and the county shall bear the costs incurred for the recount. Any *request*
14 ~~for a recount requested must be requested~~ *shall be* in writing ~~of and filed~~
15 *with* the county election officer not later than 12:00 noon on the Monday
16 following the election. The request shall specify ~~which~~ *the* voting areas
17 *whose ballots* are to be recounted. The county election officer *immedi-*
18 *ately* shall ~~immediately~~ notify any candidate involved in the election for
19 which such recount is requested, or shall notify the county chairperson
20 of each ~~candidate's~~ *candidate's* party. Any such recount shall be initiated
21 not later than the following day and shall be completed not later than the
22 Friday of such week at 5:00 p.m. Upon completion of any recount under
23 this subsection, the election board shall package and reseal the ballots as
24 provided by law and the county board of canvassers shall complete its
25 canvass. The members of the special election board shall be paid as pre-
26 scribed in K.S.A. 25-2811, and amendments thereto, for time actually
27 spent making the recount.

28 *(c) When a recount of the ballots involves the recount of ballots in*
29 *two or more counties, the method for counting provisional ballots shall*
30 *be the same in each county in which the ballots are to be recounted. The*
31 *method for counting such provisional ballots shall be determined by agree-*
32 *ment of the county election officers of such counties. If the county election*
33 *officers cannot agree, the secretary of state shall determine the method to*
34 *be used to count provisional ballots.*

35 Sec. 2. K.S.A. 25-3107 is hereby repealed.

36 Sec. 3. This act shall take effect and be in force from and after its
37 publication in the statute book.

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